



Notice of Appeal From the Primary Examiner to the
Board of Patent Appeals and Interferences (37 CFR 1.191)

Date of Mailing: February 27, 2009

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In the United States Patent and Trademark Office

In re application of: James P. Elia

Docket No.: 1000-10-CO1

Serial No. 09/836,750

Group No.: 1647

Filed: April 17, 2001

Examiner: Daniel C. Gamett

For: METHOD FOR GROWING MUSCLE
IN A HUMAN HEART

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited
with the United States Postal Service as First Class Mail
in an envelope addressed to MAIL STOP AF, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

FEBRUARY 27, 2009

Signature: *[Handwritten Signature]* Date of Signature: 02/27/09

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from the non-final decision of the Primary Examiner mailed October 2, 2008 rejecting claims 236, 238, 239, 243, 244, 247, 250, 251, 253, 257-263, 268-271, and 280-285, which have been twice rejected, and 288-290.

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of
☒ a small entity

2. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

☒ a small entity

Notice of Appeal fee due: \$ 270.00

☒ A filing fee in the amount of \$250.00 for the Notice of Appeal filed February 23, 2007 was paid; therefore, pursuant to MPEP 1204.01 \$ 250.00 is deducted from the total fee due for the instant Notice of Appeal.

☒ Notice of Appeal fee due with this request

\$ 20.00

Adjustment date: 03/04/2009 CCHAU1
12/20/2006 AWONDAF1 00000097 09836750
01 FC:2401 -250.00 OP

03/04/2009 CCHAU1 00000045 09836750

01 FC:2401
02 FC:2252

270.00 OP
230.00 OP

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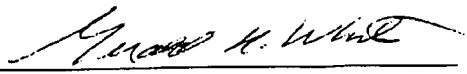
**3. Extension of Term**a) ☒ Extension requested:

<u>Extension (months)</u>	<u>Fee for small entity</u>
one month	\$ 60.00
two months	\$ 230.00
three months	\$ 525.00
four months	\$ 820.00
five months	\$1,115.00

Request Extension for 2 month(s) = Fee \$ 230.00Extension fee due: \$ 230.00Extension fee due with this request \$ 230.00**OR**b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.**4. Total Fee Due**☒ The total fee due is:Notice of Appeal fee \$ 20.00Extension fee (if any) \$230.00**Total Fee Due: \$ 250.00****5. Fee Payment**Attached is Check No. 1712 in the sum of \$ 250.00.

Date: February 27, 2009

Reg. No.: 26,611


Signature of attorney

Gerald K. White

Type or print name of attorney

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